

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, Lillie B. Grandahl, a Notary Public in and for said State and County, Harry T. Smith, who, upon oath, deposes and says that he is one of the attorneys for the plaintiff in the case of Jacob H. Reichert vs. Jerome H. Sheip, et als., and that he conducted the trial of the case on behalf of the plaintiff in the Circuit Court of Baldwin County, Alabama, on Tuesday, November 29, 1927, with the assistance of Mr. Wm. G. Caffey; that the affiant was present at the time, that one of the jurors stated to the court that he had been on the jury that tried the same case about two (2) years before; that in qualifying the jury, the court had inquired from them as to whether any of them had been on a jury upon former trial, but the juror in question did not reveal the fact until after the jury had been selected when he made the announcement. Thereupon, Mr. Thomas M. Stevens inquired whether the serving of the juror on a former trial constituted disqualification. The court expressed the opinion that it did, and ordered the juror to step aside, to which action Mr. Stevens reserved an exception. The court then asked the juror several questions as to whether he could try the case fairly and impartially, and the juror stated that he could. The court then stated:-

"All right, now step aside. Call around the next juror on the list."

If this juror was given any directions to take a seat on the jury, affiant did not hear them, or it did not make sufficient impression upon his mind for him to recall. The next thing that occurred so far as this affiant knows, although he was present, was that Mr. Stevens stated to the court as follows:

"We except to the excusing of this juror. We were satisfied with the jury and we wish to reserve an exception to the substitution of this juror at this time. "

Neither Mr. Stevens nor anyone else speaking on behalf of the defendant, made any suggestion whatever that the case should be taken from the jury or that the ~~court~~^{parties} should be furnished with a new list, and the jury stricken anew, or any other suggestion as to the manner in which the jury should be filled, or any objection or exception other than as above stated. As soon as Mr. Stevens had finished making the statement above quoted, the affiant arose and addressed the court and stated, in substance, that the plaintiff was satisfied with the juror, and that the method pursued by the court for substituting a juror was correct where there had been no struck jury, that the method was satisfactory so far as the plaintiff was concerned, but that he felt that he ought to call the court's attention to the fact that there had been a struck jury in this case, and that perhaps a proper course in regard to the selection of the jury under these circumstances was to take the case from the jury and restrike the jury. The affiant does not remember his exact words, but he knows positively that it was to the effect that it was the proper practice to substitute one juror for another where there had not been a struck jury, and that where there had been a struck jury, the case should be taken from the jury and ^{the jury} be struck anew. Affiant further deposes and says that in response to his statement the presiding Judge replied that the procedure had gone through without any objection, and did not say that it had gone through without any objection from the affiant. Affiant further deposes and says that there was no occasion for the court to have said that the procedure had gone through without any objection from the affiant, as the affiant had made no objection, but merely called attention to the proper method of substitut-

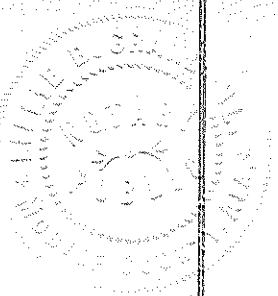
ing the juror, and suggested that the jury should be re-stricken. The attorneys for the defendant made no reply; they made no request or suggestion that the case be taken from the jury, or that the jury be re-stricken, but that both parties proceeded with the trial without further comment, motion or objection in regard to this matter.

The affiant further deposes and says that Cecile Le Land was examined as a witness in open court after her deposition had been taken and upon that examination she testified that the wife of Louis Duret was named Isabella, that she had so testified at the time of the taking of her deposition, but that the commissioner had made a mistake in writing the name as Adelaide Duret, and that in fact her great grand-mother the wife of Louis Duret, was named Isabella Duret, and that the statement as written in her former deposition was merely a mistake.

Harry Smith

Subscribed and sworn to before me
this the 8th day of December, 1927.

Lillie B. Grandahl
Notary Public, Mobile County, Alabama.



J. H. REICHERT,
Plaintiff.

-VS-

IN THE CIRCUIT COURT OF BALDWIN
COUNTY. AT LAW.

JEROME H. SHEIP, INC.,
AND FANNIE I. BECKER,
Defendants.

Now comes the plaintiff in the above entitled cause and propounds the following interrogatories to the defendant in said cause:

1. You will please give the name of each of the grantors under whom you claim title to each portion of the property which is sued for in this case. At the same time, set forth the date of each conveyance under which you claim title, and the place where it is recorded.

2. You will please set forth the chain of title under which you claim the property which is the subject matter of this suit, giving the date of each conveyance referred to in the chain, and the place of its record.

3. You will please give a list of all payments of taxes upon the property in question which you have paid, giving the date and the amount of each payment, and the name of the officer to whom the payment was made.

4. You will please state whether or not you claim title under any patent that has been issued by the United States Government, either to you or to any other person under whom you claim, and if you do claim title under such a patent, you will then please attach to your answers a copy of the patent under which you claim, and if you do not do this, give the date of the patent, the name of the patentees, and the place where it is re-

corded.

5. Do you claim to have acquired title to the property in question, or any part thereof, by adverse possession, if so, give the name of each of the parties under whose possession you claim, and state exactly what portion of the property each of such persons actually occupied, and of what such occupation consisted, and state in detail as far as you are able to do so, every act of possession by such party and the date thereof.

6. Have you ever had the land in question, or any part of it, surveyed, and if so, when and by whom?

Harry T. Smith & Caffey
Attorneys for Plaintiff.

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, Lillie A. Booth, a Notary Public in and for said County in said State, Harry T. Smith, who, upon oath, deposes and says that he is one of the attorneys for the plaintiff in the above entitled cause, and that the answers to the above and foregoing interrogatories, if truthfully made, will be material evidence for the plaintiff in said cause.

Harry T. Smith

Subscribed and sworn to before
me this 6th day of Nov., 1918.

Lillie A. Booth.
Notary Public, Mobile County, Alabama.

Clear Original (17)

Good
return 9

Filed 2/27-1918
J. M. McIlwain
Clerk.

HARRY T. SMITH & CAFFEY
ATTORNEYS AT LAW
76-722 NATIONAL CITY BANK BUILDING
MOBILE, ALA.

Recd March 5th 1919 & on March 6th 1919 I served a copy of within office of Interrogation
also a copy of the Interrogation in Fannie J. Beckett

W. H. Blount Jr. Sheriff
By H. A. Cannon D.S.

On March 8th 1919 I served a copy of within office of Interrogation also a copy
Interrogation in G. A. Yarbrough Secretary James H. Sheriff Inc

W. H. Blount Jr. Sheriff
By M. B. Dolph D.S.

STATE OF ALABAMA }
COUNTY OF MOBILE }

Personally appeared before me, Lillie B. Grandahl, a Notary Public in and for said State and County, WM. G. CAFFEY, who, upon oath, deposes and says:

That he is one of the attorneys for the plaintiff in the case of Jacob H. Reichert vs. Jerome H. Sheip, et als., and that he was present at the trial of said cause in the Circuit Court of Baldwin County, Alabama, on Tuesday, November 29th, 1927; that he was also present at the time one of the jurors stated that he had been on the jury that tried this same case about two years before. Affiant further deposes and says that when the question of the competency of this juror to serve arose, that Mr. Thomas M. Stevens asked the Court whether the serving of the juror on a prior trial of the same case disqualified him. The Court stated, in substance, that he understood that it did, and thereupon told the juror to step aside; whereupon Mr. Stevens stated that he excepted. The Court asked the juror several questions, and, at the conclusion of this examination by the Court, told the juror to step aside, and told the Sheriff to call another juror. After Mr. Stevens had renewed his exception to the excusing of the juror, who had previously served on the trial of the same case, Mr. Harry T. Smith, one of the attorneys for the plaintiff, stated, in substance, that he understood that it was the practice, where there has not been a struck jury, simply to substitute a juror for the one excused. He further stated that what had been done was satisfactory so far as the plaintiff was concerned, but that he felt that he ought to call the Court's attention to the fact that this was a case of a struck jury, and that, perhaps, the proper course in regard to the selection of the jury, under the circumstances, was to take the case away from the jury and re-strike the jury. The Court thereupon stated: "The procedure has been gone through without any objection". When this statement was made, the affiant asked the Court Reporter if he took down the

statement made by the Court, and the reporter said that he did, and thereupon read the statement from his notes as above set out, namely,- "That the procedure had been gone through without any objection". Affiant further deposes and says that the Court did not add to this statement the words "from you" nor did the Court Reporter read these words to the affiant when he was requested to read the Court's statement. The affiant further deposes and says that after the Court had made this statement, in the presence and hearing of Mr. Stevens, he did not say anything further to the Court in regard to the method of procedure that had been gone through with.

Lynd G. Cafferly

Subscribed and sworn to before me
this 7th day of December, 1927.

Lucien B. Grandall
Notary Public, Mobile County, Alabama.

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Hon. C.A. Strain,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Mary O. Thomas, 569 Basil St. Mobile Alabama.

as witnesses in behalf of Plaintiff. in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Jacob H Reichert

is Complainant

and

Jerome H Sheip et al

Defendant,

on oath to be by you administered, upon interrogatories to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of November 1922

[Signature]
Register.

Commissioners Fee \$ 7.00

Witness Fee's \$

No. 1462.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

Jacob H Reichert

vs. Complainant

Jerome H Sheip et al.

Defendants

MISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONER:

Leon C. A. Strain.

WITNESSES:

Walter O Thomas,

59. Basil St, Mobile, Alabama.

TO JEROME H. SHEIP, INC.,
OR
MESSRS. STEVENS, McCORVEY, McLEOD AND GOODE, and
JAMES H. WEBB, HIS ATTORNEYS:-

You are hereby notified that the plaintiff in the case of J. H. Reichert vs. Jerome H. Sheip, Inc., now pending in the Circuit Court of Baldwin County, Alabama has filed interrogatories for the taking of the deposition of Mary O. Thomas, a witness on behalf of the plaintiff, who resides in Mobile, Alabama, at Number 369 Basil Street.

You are further notified that C. A. Strain, whose address is Mobile, Alabama, is the Commissioner to be appointed to take the deposition of said witness in said cause.

Dated at Mobile, Alabama, this 26th day of October, 1922.

Harry J. Smith & Coffey
Attorneys for Plaintiff.

We hereby accept service of the above and foregoing notice on this the 26th day of October, 1922.

Stevens, McCorvey, McLeod & Goode
Attorneys for Defendant.

THE STATE OF ALABAMA,

Baldwin

County.

CIRCUIT COURT, IN ~~MOBILE~~ Law
Side.

J.H. Reichert,

Complainant.....

vs.

Jerome H Sheip Inc,

Defendant.....

To ~~Essex & Escherich~~, Arthur Rockwell,

or Hon. J.H. Webb,

Solicitor of Record:

You are hereby notified that interrogatories have this day been filed by Messers Harry T Smith
and Caffey,
in the office of the Clerk of the Circuit Court of
Baldwin County, to be propounded to Mary C Thomas,

witness.....for the Plaintiff, in the above stated cause. A copy of which
interrogatories may be had upon application to said Clerk; and you can file cross-interrogatories, if you think
proper, within ten days after service of this notice, at the expiration of which time a commission will issue to take
the deposition of said witness..... The witness.....resides.....at 369 Basil Street, in the City
of Mobile,
in the County of Mobile, in the State of Alabama,

and the Commissioner proposed by the Plaintiff to-wit: Hon. C.A. Strain,

resides in the City of Mobile, in the County of Mobile
in the State of Alabama,

Witness my hand, at office in Bay Minette, this the 26th, day of
October, 1922.

G.W. Robinson
Clerk Circuit Court Baldwin Co., Ala.

Original
194

THE STATE OF ALABAMA,

Edwin County.

RECUIT COURT, IN EQUITY &

vide.

H. Reichert,

Complainant.....
vs.

ome H Sheip, (Inc)

Defendant.....

NOTICE OF INTERROGATORIES.

~~Not to be used~~

ome H Sheip (Inc)

ve Bergeon
J. H. Webb

Received in office this.....

day of..... 19.....

..... Sheriff.

Executed on this..... 6.....

day of..... Nov..... 19 22

by leaving a copy of the within notice

with James H Webb

Solicitor of Record for.....

H. H. Hlaunka / Sheriff.
By H. H. Hlaunka et al

IN THE CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA, AT BAY MINETTE.

J. H. REICHERT,
Complainant,

versus

JEROME H. SHEP INC.
Defendant.

NO. _____

AT LAW.

Personally appeared before me, C. A. Strain, commissioner appointed to take the deposition of Mary O. Thomas, witness for the Plaintiff in the above entitled cause, who, being by me first duly sworn to speak the truth, the whole truth, and nothing but the truth, deposes and says:

TO INTERROGATORY No. 1 she saith:

My name is Mary O. Thomas; my age is 57 years; I reside at 369 Brazil Street, Mobile, Alabama. My father's name was Joe Durette; my father is dead; he died about twenty-five years ago. The name of my father's father was Joseph Durette, who is now dead; I do not know the exact year he died; I was a little girl when he died. (The father of my grandfather was named Louis Durette, who is now dead.) The names of the children of Joseph Durette, Sr. are - Vincent Durette, Poline Durette; Lucy Durette; Catherine Durette; Regis (or Simon) Durette; Peter Durette; Isabella Durette; Jennie Durette; Annetta Leland. The names of the children of Joseph Durette, Jr., are - Catherine Durette; Mary O. Thomas; Ploine Coleman; Joe Durette and Charley Durette.

TO INTERROGATORY NO. 2 she saith:

My father, Joseph Durette, Jr. is dead. He has been dead about twenty-five years; He was married; his wife was named Onellie Durette; she is dead; she has been dead about thirty-five years. My father left five children, viz: Catherine Durette; Mary O. Thomas; Pauline Coleman; Joe Durette; and Charley Durette; they are all living, with the exception of Catherine Durette, who died in August, 1905.

TO INTERROGATORY NO. 3 she saith:

(Catherine Durette is dead; she died in August 1905; she was never married; she has one child surviving her, named Agnes Coleman, who is still living. Agnes Coleman is married; her husband's name is Richard Coleman.

TO INTERROGATORY NO. 4 SHE SAITH:

(Charley Durette is still living; he is married; his wife is named Regina Durette; she is still living.

TO INTERROGATORY NO. 5 SHE SAITH:

(Regis (or Simon) Durette is dead; he has been dead about eighteen years; he was married; his wife was commonly known by the name of "Tonsie"; her real name was Constance, she is now dead; she died four or five years before the death of her husband, Regis (or Simon) Durette. Regis Durette had eight children, viz: Mary Tip; Ed. Durette; Louis Durette; Francis Robert Durette; Ignacious (or Joss) Durette; Josephine Tanner; Jennie Tip and Clara Ruville.

TO INTERROGATORY NO. 6 SHE SAITH:

(Edward Durette is dead; he has been dead about five or six years; he was married; his wife's name was Lizzie Durette; she is now dead; she died before the death of her husband, Edward Durette. He had no children.

TO INTERROGATORY NO. 7 SHE SAITH:

(Louis Durette is dead; he has been dead about eight years; he was unmarried.

TO INTERROGATORY NO. 8 SHE SAITH:

(Ignacious Durette (or Duret) is still living; he is married; I do not know the name of his wife; she is now dead, but I am unable to state the date of her death.

TO INTERROGATORY NO 9 SHE SAITH:

(Eugenia (or Jennie) Tip is still living. She is married; her husband's name is Ruben Tip; he is still living.

TO INTERROGATORY NO. 10 SHE SAITH:

(Josephine Tanner is still living; she is married;

her husband's name is Archie Tanner; he is still living.

TO INTERROGATORY NO. 11 SHE SAITH:

(Clara Denton is dead; I do not know the exact date of her death, however, I know she died before the death of her parents; she was married; she was married twice; the name of her first husband was Frank Ruville; the name of her second husband was _____ Denton. She had three children, viz: Martin Ruville, who is now dead, (the date of his death being unknown to me) Willie Denton and Joe Denton, the last named two children being still living.

TO INTERROGATORY NO. 12 SHE SAITH:

(Mary J. Tip (or Tipp) is now living; she is married her husband is named Richard Tip(or Tipp); he is now living.

TO INTERROGATORY NO. 13 SHE SAITH:

(Anna Lalande is dead; she died two years ago; she was married; the name of her husband was Emile Lalande; he is dead; he has been dead about four or five years.

TO INTERROGATORY NO. 14 SHE SAITH:

(Regina (or Eugini) Durette is dead; she was not married; she died about a year ago.

TO INTERROGATORY NO. 15 SHE SAITH:

(Peter Duret is dead; he has been dead about twenty years; he was married; his wife's name was Ellen Durette; she is now dead; she has been dead about fifteen years; he had one child, a son, named Peter Durette, Jr. He is dead; I do not know the exact year of his death, but he died before the death of his parents.

TO INTERROGATORY NO. 16 SHE SAITH:

(Vincent Durette is dead; he has been dead about thirty or thirty-five years; he was never married; he had no children.

TO INTERROGATORY NO. 17 SHE SAITH:

(Isabella (or Isabel) Durette is dead; she has been dead about thirty-five or forty years; she was never married; she had no children.

TO INTERROGATORY NO. 18 SHE SAITH:

(Pauline (or Poline) Durette is dead; she has been dead about forty-five years; she never married; she had no children.

TO INTERROGATORY NO. 19 SHE SAITH:

(Lucy (or Lucienne) Durette is dead; she has been dead about thirty years; she was never married; she had no children.

Mary ^{her} Thomas
mark

CERTIFICATE OF COMMISSIONER

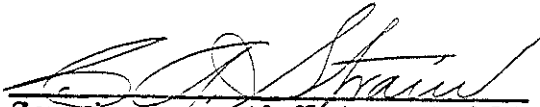
The State of Alabama:

County of Mobile :

I, C. A. Strain, the Commissioner named in the commission hereto annexed, hereby certify that I am personally acquainted with the said witness Mary O. Thomas, and know her to be the identical person named in said commission; that she was duly sworn by me to speak the truth, the whole truth and nothing but the truth, and examined as required by law, and that her evidence was taken down by me, as near as might be, in her own language, and was subscribed by her in my presence on the 28th day of April, 1923, at the offices of Messrs. Harry T. Smith & Caffey, located on the seventh Floor of the City Bank Building, Mobile, Alabama.

I further certify that I am not of counsel nor of kin to any of the parties to this cause, nor in any way interested in the result thereof.

Witness my hand and seal this the 5th day of May, 1923.


Commissioner & Notary Public.
(My Commission expires Feb.
17, 1924.)

